

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

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AUTHORITY: 46 U.S.C. 3306, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

SOURCE: CGFR 65-50, 30 FR 16970, Dec. 30, 1965, unless otherwise noted.

Subpart 90.01—Authority and Purpose

§ 90.01-1 Purpose of regulations.

(a) The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for cargo and miscellaneous vessels, as listed in Column 5 of Table 90.05-1(a), in accordance with the intent of title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto, as well as to implement various International Conventions for Safety of Life at Sea and other treaties which affect the merchant marine. The regulations are necessary to carry out the provisions of law affecting cargo and miscellaneous vessels and such regulations have the force of law.

§ 90.01-5 Assignment of functions.

(a) The Department of Transportation Act (Pub. L. 89-670, 80 Stat. 931-950, 49 U.S.C. 1651-1659), transferred to and vested in the Secretary of Transportation “* * * all functions, powers, and duties, relating to the Coast Guard of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury” (subsection 6(b)(1), 49 U.S.C. 1655(b)). This transfer is subject to certain conditions, modifications, and exceptions as set forth in such act. By a rule in 49 CFR 1.4(a) the Secretary of Transportation delegated to the Commandant, U.S. Coast Guard authority to exercise certain functions, powers, and duties as set forth in subsections 6(a)(4), 6(b)(1), and 6(g) of such act (49 U.S.C. 1655), subject to conditions, exceptions and modifications as described in 49 CFR part 1. By a rule in 49 CFR 1.9 the Secretary of Transportation continued in effect actions taken prior to April 1, 1967.

(b) The Commandant, U.S. Coast Guard, in a notice dated March 31, 1967, and effective April 1, 1967 (32 FR 5611), approved the continuation of orders, rules, regulations, policies, procedures, privileges, waivers, and other actions, which had been made, allowed, granted, or issued prior to April 1, 1967, and provided that they shall continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority.

[CGFR 68-32, 33 FR 5717, Apr. 12, 1968]

§ 90.01-7 Right of appeal.

Any person directly affected by a decision or action taken under this subchapter, by or on behalf of the Coast Guard, may appeal therefrom in accordance with subpart 1.03 of this chapter.

[54 FR 50380, Dec. 6, 1989]

§ 90.01-15 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection and record-keeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44

U.S.C. 3501 et seq.). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f), which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

(b) Display.

46 CFR part or section where identified or described	Current OMB control No.
§ 91.27-13	2115-0517
§ 91.40-3	2115-0554
§ 91.40-5	2115-0554
§ 97.15-7	2115-0589
§ 97.15-17	2115-0589

[CGD 88-072, 53 FR 34297, Sept. 6, 1988, as amended by CGD 82-004a, 55 FR 2525, Jan. 25, 1990; CGD 89-037, 57 FR 41822, Sept. 11, 1992]

Subpart 90.05—Application**§ 90.05-1 Vessels subject to requirements of this subchapter.**

(a) This subchapter shall be applicable to all United States flag vessels indicated in Column 5 of Table 90.05-1(a) and to all such foreign vessels which carry 12 or less passengers from any port in the United States to the extent prescribed by law, except as follows:

(1) Any vessel of a foreign nation signatory to the International Convention for Safety of Life at Sea, 1974, and which has on board a current, valid safety equipment certificate.

(2) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(3) Any vessel while laid up and dismantled and out of commission.

(4) With the exception of vessels of the U.S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

(b) Notwithstanding the exception previously noted in paragraph (a)(1) of this section, foreign vessels of novel design or construction or whose operation involves potential unusual risks shall be subject to inspection to the extent necessary to safeguard life and property in United States ports, as further provided by § 2.01-13 of subchapter A (Procedures Applicable to the Public) of this chapter.

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(c) Notwithstanding the exception noted in paragraph (a)(1) of this section, each foreign vessel shall report marine casualties occurring while the vessel is in the navigable waters of the United States as required by Subpart 97.07.

TABLE 90.05–1(a)
[See footnotes at end of table]

Method of propulsion	Size or other limitations ¹		Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations ¹					
	Column 1	Column 2	Vessels inspected and certificated under Subchapter D—Tank Vessels ²	Vessels inspected and certificated under either Subchapter H—Passenger Vessels ^{2,3,4,5} or Subchapter T—Small Passenger Vessels ^{2,3,4}	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels ^{2,5}	Vessels subject to provisions of Subchapter C—Uninspected Vessels ^{2,3,6,7,8}	Vessels subject to provisions of Subchapter U—Oceanographic Vessels ^{2,5,6,7,9}	Vessels subject to the provisions of Subchapter O—Certain Bulk Dangerous Cargoes ¹⁰
Steam	Column 1	Vessels not over 65 feet in length.	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
		All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers ⁷ .	All tugboats and towboats.	All vessels except those covered by columns 3, 4, 5, and 7.	None	All vessels carrying in bulk the cargoes listed in table I of pt. 153 and table 4 of pt. 154.	
		Vessels over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk ⁵ .	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers ⁷ . 3. All other vessels carrying passengers ⁷ except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4.	None	All vessels engaged in oceanographic research.	Do.

Vessels not over 15 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	Those vessels carrying dangerous cargoes when required by 46 CFR part 98 or 49 CFR parts 171-179.	All vessels except those covered by columns 3, 4, 5, and 7.	None	All vessels carrying in bulk the cargoes listed in table I of pt. 153 and table 4 of pt. 154.
Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk. All vessels carrying combustible or flammable liquid cargo in bulk ⁵ .	All vessels carrying more than 6 passengers ⁷ . 1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers ⁷ . 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels carrying those covered by columns 3, 4, 5, and 7.	Do.	Do.

Motor

TABLE 90.05–1(a)—Continued
[See footnotes at end of table]

Method of propulsion	Size or other limitations ¹		Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations ¹					
	Column 1	Column 2	Vessels inspected and certificated under Subchapter D—Tank Vessels ²	Vessels inspected and certificated under either Subchapter H—Passenger Vessels ^{23,4,5} or Subchapter T—Small Passenger Vessels ^{23,4}	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels ^{2,5}	Vessels subject to provisions of Subchapter C—Uninspected Vessels ^{23,6,7,8}	Vessels subject to provisions of Subchapter U—Oceanographic Vessels ^{2,5,6,7,9}	Vessels subject to the provisions of Subchapter O—Certain Bulk Dangerous Cargoes ¹⁰
	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Sail		Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk ⁵ .	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other other vessels carrying passengers, ⁷ except: a. Yachts b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, 5, and 7.	All vessels engaged in oceanographic research.	Do.
		Vessels not over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers ⁷ .	Those vessels carrying dangerous cargoes when required by 46 CFR part 98 or 49 CFR parts 171–179.	None	None	Do.

Non-self propelled	Vessels over 700 gross tons.	.....do	All vessels carrying passengers for hire.	.....do	None	None	Do.
Non-self propelled	Vessels less than 100 gross tons.	All vessels carrying combustible or liquid cargo in bulk.	All vessels carrying more than 6 passengers ⁷.	.....do	All barges carrying passengers except those covered by column 4.	None	All tank barges ¹¹ carrying in bulk the cargoes listed in table 151.05 of this chapter. ¹¹
	Vessels 100 gross tons or over.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR part 98 or 49 CFR parts 171-179.	All barges carrying passengers except those covered by columns 4 and 7.	All seagoing barges engaged in oceanographic research.	All tank barges ¹¹ carrying in bulk the cargoes listed in table 151.05 of this chapter. ¹¹

Footnotes to Table 90.05-1(a):

¹ Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

² Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Dangerous Cargoes) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171-179 apply whenever hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

³ Public nautical schools, other than vessels of the Navy and Coast Guard, shall meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter. Civilian nautical schools, as defined by 46 U.S.C. 1331, shall meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

⁴ Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

⁵ Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo shall meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

⁶ Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974.

⁷ The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (Sec. 1, 70 Stat. 151; 46 U.S.C. 390). On oceanographic vessels scientific personnel on board shall not be deemed to be passengers for seamen, but for calculations of lifesaving equipment, etc., shall be counted as persons.

⁸ Boilers and machinery are subject to examination on vessels over 40 feet in length.

⁹ Under 46 U.S.C. 441 an "oceanographic research vessel" is a vessel ".... being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, "....". Under 46 U.S.C. 443, "an oceanographic research vessel shall not be deemed to be engaged in trade or commerce," if or when an oceanographic vessel engaged in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certificated for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.

¹⁰ Bulk dangerous cargoes are cargoes specified in table 151.01-10(b), in table I of part 153, and in table 4 of part 154 of this chapter.

¹¹ For manned tank barges see § 151.01-10(c) of this chapter.

[CGFR 65-50, 30 FR 16970, Dec. 30, 1965, as amended by CGFR 67-83, 33 FR 1109, Jan. 27, 1968; CGFR 70-10, 35 FR 3711, Feb. 25, 1970; CGD 73-96, 42 FR 49025, Sept. 26, 1977; CGD 77-042, 42 FR 63643, Dec. 19, 1977; CGD 86-033, 53 FR 36025, Sept. 16, 1988; CGD 86-033, 53 FR 46871, Nov. 21, 1988; CGD 90-008, 55 FR 30661, July 26, 1990]

§ 90.05-5 Specific application noted in text.

(a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term "vessels contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a cargo or miscellaneous vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

§ 90.05-7 Ocean or unlimited coastwise vessels on inland and Great Lakes routes.

(a) Vessels inspected and certificated for ocean or unlimited coastwise routes shall be considered suitable for navigation insofar as the provisions of this subchapter are concerned on any inland routes, including the Great Lakes.

§ 90.05-10 Application to vessels on an international voyage.

(a) Except for yachts and fishing vessels and as provided in paragraphs (b), (c), and (d) of this section, the regulations in this subchapter that apply to a vessel on an "international voyage" apply to a vessel that—

(1) Is mechanically propelled and of at least 500 gross tons; and

(2) Is engaged on a voyage—

(i) From a country to which the International Convention for Safety of Life at Sea, 1974, (SOLAS 74) applies, to a port outside that country or the reverse;

(ii) From any territory, including the Commonwealth of Puerto Rico, all possessions of the United States and all lands held by the United States under a protectorate or mandate, whose international relations are the responsibility of a contracting SOLAS 74 government, or which is administered by

the United Nations, to a port outside the territory or the reverse; or

(iii) Between the contiguous states of the United States and the states of Hawaii or Alaska or between the states of Hawaii and Alaska.

(b) The regulations that apply to a vessel on an "international voyage" in this subchapter do not apply to ships engaged on a voyage solely on the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island, the 63d Meridian;

(c) The Commandant or his authorized representative may exempt any vessel on an international voyage from the requirements of this subchapter if the vessel—

(1) Makes a single international voyage in exceptional circumstances; and

(2) Meets safety requirements prescribed for the voyage by the Commandant.

(d) The Commandant or his authorized representative may exempt any vessel from the construction requirements of this subchapter if the vessel does not proceed more than 20 nautical miles from the nearest land in the course of its voyage.

[CGD 72-131R, 38 FR 29320, Oct. 24, 1973, as amended by CGD 90-008, 55 FR 30661, July 26, 1990; CGD 84-069, 61 FR 25288, May 20, 1996]

§ 90.05-20 Applicability to offshore vessels.

(a) Offshore supply vessels of 100 or more but of less than 500 gross tons, contracted for before March 15, 1996, are subject to inspection under this subchapter. Offshore supply vessels contracted for on or after March 15, 1996, are subject to inspection under subchapter L of this chapter.

(b) Each OSV permitted grandfathering under paragraph (a) of this section must complete construction and have a Certificate of Inspection by March 16, 1998.

[CGD 82-004, CGD 86-074, 60 FR 57640, Nov. 16, 1995]

§ 90.05-25 Seagoing barge.

(a) All nonself-propelled vessels of 100 gross tons and over that proceed on voyages on the high seas or ocean are

subject to inspection and certification as seagoing barges.

(b) In applying the laws and regulations to manned seagoing barges, one criterion for invocation of safety standards is the description of seagoing barges by relative size in gross tons. When it is determined by the Commandant that the gross register tonnage for a particular manned seagoing barge, which is attained by exemptions, reductions, or other devices in the basic gross tonnage formulation, will circumvent or be incompatible with the application of specific safety requirements in the regulations in this subchapter for a manned seagoing barge of such physical size, the Commandant shall prescribe the regulations to be made applicable to such seagoing barge. When the Commandant determines that the gross register tonnage is not a valid criterion for the invocation of safety requirements based on relative size, the parties involved will be informed of the determination and of the regulations applicable to such manner seagoing barges, and before being permitted to operate such seagoing barges, compliance therewith shall be required. Endorsements or notations on the seagoing barge's certificate of inspection may be made as appropriate.

§90.05-30 Portable tanks—interpretive rulings.

(a) The phrase “drums, barrels, or other packages,” as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable tanks having a maximum capacity of 110 U.S. gallons and Department of Transportation specification cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase “inflammable or combustible liquid cargo in bulk” as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable tanks of a capacity of more than 110 U.S. gallons.

(c) The phrase “liquid cargo” as used in R.S. 4417a, as amended (46 U.S.C.

391a), is interpreted to mean inflammable or combustible liquids.

[CGFR 65-50, 30 FR 16970, Dec. 30, 1965, as amended by CGFR 69-72, 34 FR 17484, Oct. 29, 1969]

§90.05-35 Flammable and combustible liquid cargo in bulk.

NOTE: Requirements for double hull construction for vessels carrying oil, as defined in 33 CFR 157.03, in bulk as cargo are found in 33 CFR 157.10d.

Vessels inspected and certificated under this subchapter may carry limited quantities of flammable and combustible liquid cargo in bulk in the grades indicated, provided the Certificate of Inspection is endorsed to permit such carriage:

(a) Cargo vessels:

(1) Grades D and E in an integral tank; and

(2) Grades D and E and certain specifically named Grade C in a portable tank, including a marine portable tank (MPT), in accordance with subpart 98.30 or 98.33 of this subchapter.

(b) Miscellaneous Vessels, such as cable, salvage, pile-driving, and oil-drilling-rig vessels:

(1) Grades B, C, D, and E in a fixed independent or integral tank authorized by the commandant;

(2) Grades D and E and certain specifically named Grade C in a portable tank, including an MPT, in accordance with subpart 98.30 or 98.33 of this subchapter.

[CGD 84-043, 55 FR 37410, Sept. 11, 1990, as amended by CGD 90-051, 57 FR 362146, Aug. 12, 1992]

Subpart 90.10—Definition of Terms Used in This Subchapter

§90.10-1 Approved.

This term means approved by the Commandant unless otherwise stated.

§90.10-2 Barge.

This term means any nonself-propelled vessel.

§90.10-5 Carrying freight for hire.

The carriage of any goods, wares, or merchandise or any other freight for a valuable consideration whether directly or indirectly flowing to the

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owner, charterer, operator, agent, or any other person interested in the vessel.

§ 90.10-7 Commandant.

This term means the Commandant of the Coast Guard.

§ 90.10-9 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspection, enforcement, and administration of title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 90.10-11 Coastwise.

Under this designation shall be included all vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 90.10-12 Gas free.

This term means free from dangerous concentrations of flammable or toxic gases.

§ 90.10-13 Great Lakes.

Under this designation shall be included all vessels navigating the Great Lakes.

§ 90.10-14 Headquarters.

This term means the Office of the Commandant, U.S. Coast Guard, Washington, DC 20593-0001.

[CGFR 67-90, 33 FR 1015, Jan. 26, 1968, as amended by CGD 88-070, 53 FR 34534, Sept. 7, 1988]

§ 90.10-15 Industrial personnel.

This term means every person carried on board an industrial vessel for the sole purpose of carrying out the industrial business or functions of the industrial vessel. Examples of industrial personnel include tradesmen, such as mechanics, plumbers, electricians, and welders; laborers, such as wreckers and construction workers; and other persons, such as supervisors, engineers,

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technicians, drilling personnel, and divers.

[CGFR 67-90, 33 FR 1015, Jan. 26, 1968]

§ 90.10-16 Industrial vessel.

This term means every vessel which by reason of its special outfit, purpose, design, or function engages in certain industrial ventures. Included in this classification are such vessels as drill rigs, missile range ships, dredges, cable layers, derrick barges, pipe lay barges, construction and wrecking barges. Excluded from this classification are vessels carrying freight for hire or engaged in oceanography, limnology, or the fishing industry.

[CGFR 67-90, 33 FR 1015, Jan. 26, 1968]

§ 90.10-19 Lakes, bays, and sounds.

Under this designation shall be included all vessels navigating the waters of any of the lakes, bays, or sounds other than the waters of the Great Lakes.

§ 90.10-20 Liftboat.

Liftboat means an offshore supply vessel with moveable legs capable of raising its hull above the surface of the sea.

[55 FR 2525, Jan. 25, 1990]

§ 90.10-21 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration of title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 90.10-23 Motorboat.

This term means any vessel indicated in Column 5 of Table 90.05-1(a) 65 feet in length or less which is propelled by machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or

permanently equipped with a detachable motor and any such boat when so propelled is subject to the applicable provisions of the Act of April 25, 1940, as amended (secs. 1-22, 54 Stat. 163-167, as amended, 46 U.S.C. 526-526u), and the regulations promulgated thereunder. For the purpose of this subchapter, motorboats are included under the term "vessel" unless specifically noted otherwise. The various classes of motorboats are as follows:

Class A—Any motorboat less than 16 feet in length.

Class 1—Any motorboat 16 feet or over and less than 26 feet in length.

Class 2—Any motorboat 26 feet or over and less than 40 feet in length.

Class 3—Any motorboat 40 feet or over and not more than 65 feet in length.

§ 90.10-25 Ocean.

Under this designation shall be included all vessels navigating the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

§ 90.10-27 Officer in charge, marine inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 90.10-29 Passenger.

(a) The term *passenger* means—

(1) On an international voyage, every person other than—

(i) The master and the members of the crew or other persons employed or engaged in any capacity on board a vessel on the business of that vessel; and

(ii) A child under 1 year of age.

(2) On other than an international voyage, an individual carried on the vessel, except—

(i) The owner or an individual representative of the owner or, in the case of a vessel under charter, an individual

charterer or individual representative of the charterer;

(ii) The master; or

(iii) A member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for onboard services.

(b) The term *passenger for hire* means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

[CGD 84-069, 61 FR 25288, May 20, 1996]

§ 90.10-30 Pilot boarding equipment and point of access.

(a) *Pilot Boarding Equipment* means a pilot ladder, accommodation ladder, pilot hoist, or combination of them as required by this subchapter.

(b) *Point of Access* means the place on deck of a vessel where a person steps onto or off of pilot boarding equipment.

[CGD 79-032, 49 FR 25455, June 21, 1984]

§ 90.10-33 Rivers.

Under this designation shall be included all vessels whose navigation is restricted to rivers and/or canals exclusively, and to such other waters as may be so designated by the Coast Guard District Commander.

§ 90.10-35 Recognized classification society.

The term *recognized classification society* means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 90.10-36 Seagoing barge.

The phrase *every seagoing barge of one hundred gross tons or over* in subsections 395(a) and 395(b), title 46, U.S.C. (section 10, 35 Stat. 428, as amended), includes every nonself-propelled vessel of 100 gross tons or over, if such vessel will navigate the high seas or ocean. The phrase *nonself-propelled vessel* means a vessel without sufficient means for self-propulsion and is required to be towed.

§ 90.10-37

§ 90.10-37 Vessel.

Where the word *vessel* is used in this subchapter, it shall be considered to include all vessels indicated in Column 5 of Table 90.05-1(a), except as otherwise noted in this subpart.

§ 90.10-38 Specially suitable for vehicles.

A space which is *specially suitable for vehicles* is one designed for the carriage of automobiles or other self-propelled vehicles with batteries connected and fuel tanks containing gasoline on vessels on ocean or unlimited coastwise voyages. Requirements for the design and protection of spaces “specially suitable for vehicles” appear in subparts 92.15, 95.05, 95.15, 96.05, 97.36, 97.37, and 97.80 of this subchapter. In addition, preparation of automobiles prior to carriage, with the exception of disconnecting battery cables, must be in accordance with the applicable provisions of 49 CFR 176.905.

[CGFR 66-33, 31 FR 15284, Dec. 5, 1966, as amended by CGD 86-033, 53 FR 36025, Sept. 16, 1988]

§ 90.10-40 Offshore supply vessels.

(a) An offshore supply vessel is a vessel that is propelled by machinery other than steam, that is of 15 gross tons and less than 500 gross tons, and that regularly carries goods, supplies, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources.

(b) An existing offshore supply vessel is one contracted for before March 15, 1996.

(c) A new offshore supply vessel is one contracted for on or after March 15, 1996.

[CGD 80-133, 45 FR 69244, Oct. 20, 1980, as amended by CGD 82-004, CGD 86-074, 60 FR 57640, Nov. 16, 1995]

§ 90.10-42 Tankerman.

The following ratings are established in part 13 of this chapter. The terms for the ratings identify persons holding valid merchant mariners’ documents for service in the ratings issued under that part:

- (a) Tankerman-PIC.
- (b) Tankerman-PIC (Barge).
- (c) Restricted Tankerman-PIC.

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- (d) Restricted Tankerman-PIC (Barge)
- (e) Tankerman-Assistant.
- (f) Tankerman-Engineer.

[CGD 79-116, 60 FR 17157, Apr. 4, 1995]

EFFECTIVE DATE NOTE: At CGD 79-116, 60 FR 17157, Apr. 4, 1995, § 90.10-42 was added, effective March 31, 1996.

Subpart 90.15—Equivalents

§ 90.15-1 Conditions under which equivalents may be used.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made or arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other arrangement: *Provided*, That he shall have been satisfied by suitable trials that the fitting, material, appliance, apparatus, or equipment, or type thereof, or the provision or arrangement is at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

Subpart 90.20—General Marine Engineering Requirements

§ 90.20-1 Marine engineering details.

(a) All marine engineering details such as piping, valves, fittings, boilers, pressure vessels, etc., and their appurtenances installed on the vessel, shall be designed, constructed, and installed in accordance with the provisions of subchapter F (Marine Engineering) of this chapter.

Subpart 90.25—General Electrical Engineering Requirements

§ 90.25-1 Electrical engineering details.

(a) All electrical engineering details and installations shall be designed and installed in accordance with subchapter J (Electrical Engineering) of this chapter.

Subpart 90.27—Lifesaving Appliances and Arrangements

§ 90.27-1 Lifesaving appliances and arrangements.

All lifesaving appliances and arrangements must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

[CGD 84-069, 61 FR 25288, May 20, 1996]

Subpart 90.30—Special Provisions

§ 90.30-1 Vessels acquired or documented under the act of August 9, 1954.

(a) Vessels acquired or documented under the Act of August 9, 1954 (section 3, 68 Stat. 675; 50 U.S.C. 198), shall be subject to the applicable provisions of title 52 of the Revised Statutes, acts amendatory thereof or supplemental thereto and the rules and regulations thereunder.

(b) Unapproved lifesaving, firefighting, and other equipment may be continued in service as long as, in the opinion of the Officer in Charge, Marine Inspection, such equipment is in good and serviceable condition. All replacements shall be in accordance with Coast Guard requirements.

§ 90.30-5 Installations of equipment made during the unlimited national emergency declared by the President on May 27, 1941.

(a) Boilers, pressure vessels, machinery, piping, electrical, and other installations, including lifesaving, firefighting, and other safety equipment, installed on vessels during the Unlimited National Emergency declared by the President on May 27, 1941, and prior to the termination of title V of the Second War Powers Act, as extended (sec-

tion 501, 56 Stat. 180, 50 U.S.C. App. 635), which do not fully meet the detailed requirements of the regulations in this chapter, may be continued in service if found to be satisfactory by the Commandant for the purpose intended.

Subpart 90.35—American Bureau of Shipping's Standards

§ 90.35-1 Standards to be used.

(a) Where in this subchapter an item, or method of construction, or testing is required to meet the standards established by the American Bureau of Shipping, the current standards in effect at the time of construction of the vessel, or otherwise as applicable, shall be used. The current standards of other recognized classification societies may also be accepted upon approval by the Commandant.

§ 90.35-5 Where obtainable.

(a) The standards established by the American Bureau of Shipping are usually published annually and may be purchased from the American Bureau of Shipping, Two World Trade Center, 106th Floor, New York, NY 10048. These standards may be also examined at the Office of the Commandant (G—M), U.S. Coast Guard, Washington, DC 20593-0001, or at the Office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

[CGFR 65-50, 30 FR 1697, Dec. 30, 1965, as amended by CGFR 68-32, 33 FR 5718, Apr. 12, 1968; CGD 88-070, 53 FR 34534, Sept. 7, 1988; CGD 88-070, 53 FR 37570, Sept. 27, 1988; CGD 88-070, 53 FR 44011, Nov. 1, 1988; CGD 95-072, 60 FR 50464, Sept. 29, 1995; 60 FR 54106, Oct. 19, 1995]

PART 91—INSPECTION AND CERTIFICATION

Subpart 91.01—Certificate of Inspection

Sec.

91.01-1 When required.

91.01-5 Posting.

91.01-10 Period of validity.

91.01-15 Temporary certificate.

91.01-20 Expired certificate.

91.01-25 Emergency carriage of more than 16 persons in addition to the crew on vessels not engaged in international voyages.